

REMARKS

Claims 41-43 and 57-64 are currently pending with claim 41 being independent. Claims 41-43 are currently amended, claims 44-56 have been cancelled, and claims 57-64 are new. Support for the amendments can be found, for example, in Figs. 1, 3, and 3a, and at paragraphs 13-15, 23, and 42 of the application as published February 7, 2002 (US Patent Application Publication No. 2002/0016557). No new matter is introduced.

Interview Summary

Applicants thank the Examiner for the courtesy of the telephonic interview conducted with the Applicants' representatives, Kevin Greene and George Bonanto, on April 30, 2009. The substance of that interview is reflected below.

Antecedent Basis

Claims 44-46, 48-50, and 52 were objected to for lack of antecedent basis for the phrase "the first body surface." Claims 44-46, 48-50, and 52 have been cancelled, rendering the objections moot. Accordingly, withdrawal of the objections to the claims is requested.

Double Patenting

Claims 54 and 55 were objected to as being substantial duplicates of claims 42 and 43. Claims 54 and 55 have been amended to correct their dependency, such that claims 54 and 55 now depend from claim 53. Accordingly, claims 54 and 55 are not duplicates of claims 42 or 43. Reconsideration and withdrawal of the objections to claims 54 and 55 for double patenting is requested in view of the foregoing amendments.

35 U.S.C. 112, first paragraph

Claims 41-46 and 48-56 were rejected for failing to comply with the written description requirement. Specifically, the action stated at page 2 that “[t]he specification, as originally filed, fails to disclose that the first and/or the second angles are ‘selected’ such that a sufficient level of the reflected ultrasonic waves contact the wound” and that the specification fails to disclose “that the first and/or second angles are pre-determined or that ‘the area is offset from the axis by a predetermined angle to the first body surface. While Applicants disagree with this rejection, Applicants have amended the claims to remove the recitations of “selected” and “pre-determined” angles to obviate this rejection.

The action also stated that the specification fails to disclose “what level of reflected waves would be considered as ‘sufficient’ to promote healing of the wound.” As discussed during the interview, the specification fully supports this feature. In particular, the specification discloses ultrasound signals that are effective in wound healing at least at paragraph 10 of the published application. Additionally, the specification discusses the parameters of the ultrasound signal useful for wound healing, and discusses the factors that should be taken into account when selecting the parameters of the ultrasound signal for use in applying reflected ultrasound waves to a wound at least at paragraph 38 of the published application. Therefore, the specification, as originally filed, describes “a sufficient level of the reflected ultrasonic waves [that] contact the wound to promote healing thereof,” as recited in amended claim 41. As such, Applicants request that this rejection be withdrawn.

35 U.S.C. 112, second paragraph

Claims 52 and 56 were rejected as being indefinite. Claims 52 and 56 have been cancelled, thereby rendering the rejections moot. Therefore, reconsideration and withdrawal of the rejections is requested.

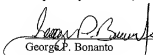
CONCLUSION

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due at this time. The Director is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1050. The Director also is hereby authorized to apply any additional fees or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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